

lens system for a confocal scanning microscope wherein a lens focus is moved relative to a scan lens for fine focusing. The Examiner goes on to state that it would have been obvious to a person of ordinary skill in the art to combine the teachings of Dixon and Engelhardt. It is respectfully submitted that it is not obvious to combine Dixon and Engelhardt because Engelhardt does not teach a lens focus being moved relative to a scan lens for fine focusing as Engelhardt does not disclose a scan lens as defined in the present application and teaches an objective lens system. An objective lens has an interval entrance pupil. At Line 37 of Column 3, it is stated that the varifocal system 8 is located between pinholes 6 and 7 and the object is to vary the effective pinhole diameter. With the present invention, there is no change in the resolution, the effective size of the pinhole or the focal length. As defined in the present application, the scan lens of the present invention has an external entrance pupil. With Engelhardt, what the Examiner is referring to as a scan lens is not a scan lens within the meaning of the present invention as it is an objective lens, which, by definition has an internal entrance pupil and is described in Engelhardt as an assembly of objectives. Further, the varifocal system described in Engelhardt does not have a single lens but has at least two lenses 8 and both lenses must be moved in order for the microscope described in Engelhardt to work. During a telephone interview on October 18, 2005, the Examiner indicated that the Applicant does have the ability to distinguish the references and amendments similar to the amendments to Claims 1, 41 and 42 were discussed. It is respectfully submitted that the rejection should be withdrawn as the invention is not rendered obvious by the combination of Dixon and Engelhardt.

Unlike Engelhardt, the present invention does not require at least two lenses and does not require that both of the two lenses must be moved in order to focus the imaging system. Applicant repeats the remarks made in the June 13, 2005 response and states that the application, with the Claims, as amended is now in condition for allowance.

Yours very truly,



Daryl W. Schnurr
Reg. No. 28,569